

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
MARK YODICE, individually and on	:	
behalf of all others similarly	:	
situated,	:	21cv2026 (DLC)
	:	
Plaintiff,	:	<u>ORDER</u>
	:	
-v-	:	
	:	
TOURO COLLEGE AND UNIVERSITY SYSTEM,	:	
	:	
Defendant.	:	
	:	
-----	X	

DENISE COTE, District Judge:

Plaintiff Mark Yodice ("Yodice") filed a class-action complaint against Touro College and University System ("Touro") on March 9, 2021. The complaint alleged breach of contract and unjust enrichment claims for tuition arising out of Touro's switch to remote instruction during the COVID-19 pandemic ("Tuition Claims"); breach of contract and unjust enrichment claims for fees for activities and services no longer accessible to students during the pandemic ("Fee Claims"); and a violation of New York General Business Law ("GBL") §§ 349 and 350 arising out of alleged deceptive practices and false advertising.

On November 4, the defendant's motion to dismiss was granted. On July 19, 2024, the Second Circuit Court of Appeals affirmed the Court's dismissal in part and vacated in part. The mandate was issued on August 9, 2024.

The Court of Appeals affirmed dismissal of the plaintiff's Fee Claims. The Court of Appeals vacated dismissal of the plaintiff's Tuition Claims and GBL claim. Accordingly, it is hereby

ORDERED that the parties shall file a status letter by **August 23, 2024**.

IT IS FURTHER ORDERED that the plaintiff shall file an amended complaint by **September 6, 2024**.

Dated: New York, New York
August 12, 2024



DENISE COTE
United States District Judge